

Arent Fox

May 3, 2012

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, D.C. 20554

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RE: Ex parte, presentation, WC Docket No. 11-42, WC Docket 03-109, CC-Docket 96-45,
WC Docket 12-23

Dear Ms. Dortch:

On behalf of the Bill & Melinda Gates Foundation, and in accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. §1.1206(b), undersigned counsel hereby submits the instant notice of *ex parte* presentation.

On May 2, 2012, Karen Perry, Senior Program Officer, U.S. Libraries, for the Bill & Melinda Gates Foundation, and undersigned counsel met with Josh Gottheimer, Jordan Usdan, Maya Uppaluru and Kevin Almasy to discuss whether the Commission has legal authority to authorize digital literacy funding from the Lifeline program using its ancillary authority under Title I. Undersigned counsel stated that the Commission likely does have such legal authority in light of, among other things, sections 201, 254 and 706.

This notice is being electronically filed with the Commission.

Respectfully submitted,



Alan Fishel
Counsel for the Bill & Melinda Gates Foundation